

Remarks:

Regarding the objection to claims 8, 9 under 37 CFR 1.75:

In this paper the applicant cancels claim 9 which believed to render the objection moot.

Regarding the provisional “double patenting rejection” of the claims

The applicant notes that the Examiner has entered a *provisional* double-patenting rejection of the claims of the instant application in view of the copending claims of US Ser.No. 10/510895.

As the Examiner has correctly pointed out, the rejection remains *provisional* in that no claims in either the instant application or those of US Ser.No. 10/510895 have been allowed, thus rendering the double-patenting rejection of the claims as premature. The Examiner is invited to reinstate the double-patenting rejection upon an indication of allowable claims.

Regarding the rejection of claims 1-3, 8, 9, 11-20 under 35 USC 102(e) in view of US 6635702 to Schmucker-Castner:

The applicant traverses the rejection of the indicated claims in view of the Schmucker-Castner reference.

As is clearly evident from a review of the Schmucker-Castner reference, an essential constituent of those prior art formulations is the necessary inclusion of “a substantially crosslinked alkali-swellaable acrylate copolymer rheology modifier” (Schmucker-Castner, col.2, lines 34 – 37) which is clearly an essential constituent used by Schmucker-Castner in order to achieve his thickened shampoo compositions. Schmucker-Castner recites his essential alkali-swellaable acrylate copolymer rheology modifiers to be specific classes of such materials at great lengths in his specification. (Schmucker-Castner, col. 3, line 22 – col. 5, line 40).

The presently amended claims are amended to more clearly define the thickener constituent which is not the alkali swellable acrylate copolymer constituent required of Schmucker-Castner in order to achieve stable suspensions of particulate materials.

In view of the foregoing, including the amendments to the claims, reconsideration of the propriety of the rejection and its withdrawal is solicited.

The issuance of a *Notice of Allowability* at an early date is respectfully requested.

Authorization for Fees

Please charge the fees required in order to permit the timely entry of this paper, including additional claims fees, and if necessary any extension of time should such be required, to Deposit Account No. 14-1263.

Respectfully Submitted;



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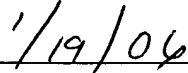
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I certify that this document, and any attachments thereto, is being deposited with the US Postal Service with sufficient postage as First Class Mail on the date indicated above and is addressed to the: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."


Kimberly Brittingham


Date